

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARLIN GIOVANNI PICKENS,

Plaintiff,

v.

MULTICARE TACOMA GENERAL  
HOSPITAL, et al.,

Defendants.

CASE NO. 3:22-cv-05784-BHS

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before Magistrate Judge Theresa L. Fricke's Report and Recommendation ("R&R"). Dkt. 5. Judge Fricke recommends denying Plaintiff Marlin Giovanni Pickens' Motion for Leave to Proceed *In Forma Pauperis*, Dkt. 1, after he failed to respond to Judge Fricke's Order to Show Cause, Dkt. 4, why his complaint should not be dismissed for failure to state a claim. Dkt. 5.

The Court, having considered the R&R and the remaining record, and no objections having been filed, does hereby order as follows:

(1) The R&R is **ADOPTED**;

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1 (2) Pickens' Motion for Leave to Proceed *In Forma Pauperis*, Dkt. 1, is  
2 **DENIED**, and the action is **DISMISSED without prejudice** for failure to  
3 prosecute;

4 (3) The Clerk shall enter JUDGMENT and close this case; and

5 (4) The Clerk is directed to send copies of this Order to Pickens.

6 Dated this 29 day of December, 2022.

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9 BENJAMIN H. SETTLE  
10 United States District Judge  
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